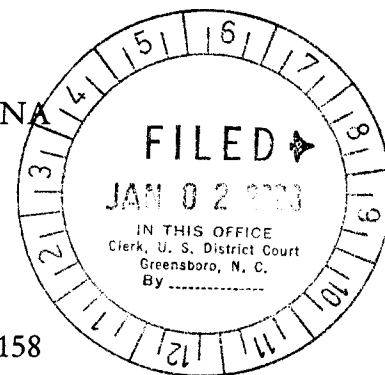


34.

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



RAUL G. LOZADA,

Plaintiff,

v.

THE PHOENIX INSURANCE
COMPANY

Defendant.

1:00CV1158

ORDER AND JUDGMENT

BEATY, District Judge.

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith, Defendant's Motion for Partial Summary Judgment [Document #18] is GRANTED such that Plaintiff's claim for unfair and deceptive trade practices is hereby DISMISSED. Furthermore, for the reasons previously explained in the Memorandum Opinion, Plaintiff's Motion for Summary Judgment is GRANTED in part to the extent that the Court has concluded that Defendant breached its duty to defend Prince in the lawsuit filed against him by Plaintiff. Plaintiff's Motion for Summary Judgment is DENIED to the extent that Plaintiff seeks to enforce the entire Default Judgment of \$500,000 against Defendant.

It is thereby ORDERED, ADJUDGED, AND DECREED that Defendant is liable to Plaintiff for \$25,000 of the \$500,000 judgment Plaintiff recovered in the underlying lawsuit against Phillip Anthony Prince.

This, the 02 day of ^{January 2003} ~~December~~, 2002.

United States District Judge